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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,862	04/13/2000	Paul Andrew Cronk	102055-0008P1	7070

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CESARI AND MCKENNA, LLP  
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EXAMINER

TON, ANABEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

09/548,862

Applicant(s)

CRONK, PAUL ANDREW

Examiner

Anabel M Ton

Art Unit

2875

-- The MAILING DATE of this c mmunication appears n th cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2875

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Claim 20 refers to the structure of a reflector in a separate patent, this renders the claim indefinite.

As best understood, the following rejection applies

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-17 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Rusello et al (5,249,110).
3. Rusello discloses a light fitting comprising a lamp receiving fixture having first and second opposite sides (10), and a reflector means, the reflector means being mounted to said first side of the lamp receiving fixture to produce a beam of light from said light fitting when said lamp receiving fixture contains an illuminated lamp (20,18,16,22), wherein said light fitting also includes a heat shield mounted to said second side of said lamp receiving fixture and in said beam of light, said heat shield having at least one surface facing said lamp receiving fixture and angled thereto to reflect light from said lamp (58, fig 2), and also having a plurality of apertures therein through which some of the light emitted by said lamp can pass(58);said heat shield has a pair of said angled surfaces facing said lamp receiving fixture, said pair of surfaces having a generally V-shaped configuration(58); said pair of surfaces intersect to form a ridge line, said reflector means is elongate having a longitudinal axis, and said heat shield is mounted with said ridge line substantially parallel to said longitudinal axis (fig 2); a further pair of said angled surfaces facing said lamp receiving fixture (fig 2); the four surfaces of said heat shield have the configuration of a single ridged double hipped roof (fig 2, 58); the plurality of apertures are arranged in a regular grid pattern (58);  
  
With regards to method claims 21-23, the structural limitations of the claims are anticipated by the prior art cited. Therefore, the abovementioned rejection applies to these claims.

Art Unit: 2875

***Claim Rejections - 35 USC § 103***

4. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusello et al (5,249,110) in further view of Strawick (3,099,403).

5. Rusello discloses the claimed invention except for the teaching of an adjustable reflector. Strawick teaches an adjustable reflector in a lighting device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an adjustable reflector to modify the emitted light beam from the lighting device for the purpose of providing a lighting device with a desired beam emission for a desired application. The reflector means has a double parabolic shape (12).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Application/Control Number: 09/548,862

Page 5

Art Unit: 2875

Anabel M Ton  
Examiner  
Art Unit 2875

AMT  
July 31, 2003



**THOMAS M. SEMBER**  
**PRIMARY EXAMINER**